



**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

DONALD E. DERRICK,	§	
Plaintiff,	§	
vs.	§	CIVIL ACTION 9:20-3816-MGL-MHC
	§	
	§	
BOBBY THOMAS, SGT. JUDIE TRUSDALE,	§	
OFC.CROWDER, LT. CHRISTOPHER	§	
HUNT, A/W KENNETH SHARP,	§	
A/W KEVIN FORD, CAPTAIN DAVIS,	§	
WARDEN TONYA JAMES, and DR. KEVIN	§	
BURNHAM,	§	
Defendants.	§	

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**ORDER ADOPTING THE REPORT AND RECOMMENDATION  
AND DISMISSING CERTAIN DEFENDANTS FROM THIS ACTION**

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Plaintiff Donald E. Derrick (Derrick) filed this lawsuit against Defendants Bobby Thomas (Thomas), Sgt. Judie Trusdale (Truesdale), Ofc.Crowder (Crowder), Lt. Christopher Hunt (Hunt), A/W Kenneth Sharp (Sharp), A/W Kevin Ford (Ford), Captain Davis (Davis), Warden Tonya James (James), and Dr. Kevin Burnham (Burnham) pursuant to 42 U.S.C. § 1983. Derrick is representing himself.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending to the Court Defendants Thomas, Hunt, Sharp, Ford, Davis, James, and Burnham be dismissed from this action. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on April 12, 2021, and the Clerk of Court entered Derrick's objections on April 29, 2021. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

Derrick fails to offer any specific objections to the Report. As per the law of the Fourth Circuit, this Court need not conduct a de novo review of the record "when a party makes general and conclusory objections that do not direct the court to a specific error in the [Magistrate Judge's] proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). The Court reviews the Report and Recommendation only for clear error in the absence of specific objections. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir.2005) (stating that "in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record to accept the recommendation.") (citation omitted).

Here, as the Court already stated, Derrick wholly failed to bring any specific objections to the Report. Instead, he offers nothing more than non-specific objections. Inasmuch as the Court agrees with the Magistrate Judge's analysis of the complaint in her comprehensive and well-reasoned Report, it need not repeat the discussion here.

Consequently, because Derrick neglects to make any specific objections to the Report, and the Court has found no clear error, the Court will overrule the objections and accept the Magistrate

Judge's recommendation that Derrick's action be dismissed against Defendants Thomas, Hunt, Sharp, Ford, Davis, James, and Burnham.

Further, inasmuch as the Magistrate Judge warned Derrick of the consequences of failing to file specific objections, Report at 12, he has waived appellate review. *See Howard v. Sec'y of Health & Human Servs.*, 932 F.2d 505, 508-09 (6th Cir. 1991) (holding general objections are insufficient to preserve appellate review).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Derrick's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of the Court Defendants Thomas, Hunt, Sharp, Ford, Davis, James, and Burnham are **DISMISSED** as defendants in this action; and Derrick's request for judgment on objections is **DEEMED AS MOOT**.

The case will, therefore, continue against only Defendants Trusdale and Crowder.

**IT IS SO ORDERED.**

Signed this 6th day of April, 2023, in Columbia, South Carolina.

s/ Mary Geiger Lewis  
MARY GEIGER LEWIS  
UNITED STATES DISTRICT JUDGE

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#### **NOTICE OF RIGHT TO APPEAL**

Derrick is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.